



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: September 9, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning and Zoning Administrator
Timothy J. Thompson, AICP, Community Development Director

Subject: **Madi Choueiri (applicant/owner)** - Review for acceptance and consideration of Final Approval for a waiver of full site plan review for a restaurant located at 480 D.W. Highway in the C-1 (Limited Commercial), Elderly and Town Center Overlay and Aquifer Conservation Districts. Tax Map 5D-3, Lot 046. **This agenda item is continued from the June 2, July 7, and August 18, 2015 Planning Board meetings.**

Background: As the Board may remember, the applicant appeared before you on June 2, July 7, and August 18, 2015 to discuss the proposed restaurant at 480 D.W. Please see attached 8/18 Memo and Minutes.

The applicant is seeking a waiver of full site plan review from the Board and has submitted a revised site plan in response to comments from the Board at the previous meetings. The following were included at the request of the board:

- Label the curb along Church St. to delineate parking lot
- Describe front landscaping and what will be removed
- Add emergency exit and where it would be accessed
- Note all setbacks with dimensions
- Note ZBA setback variance (as applicable)
- Note what will be removed, how much and how much will be left of existing sidewalk
- Remove railroad ties depicted within the sidewalk easement

The following were requested by the Board but are not included on this plan revision and are therefore recommended as conditions of approval.

- Label the bump-out on the upper floor
- Label right side entry
- Provide all four architectural elevations
- Include a note on sidewalk easement intent

Completeness: The Board voted to accept the application for review on August 18, 2015.

Waivers: The Board voted to waive full site plan review on August 18, 2015.

Recommendation:

Staff recommends that the Board approve the site plan with the following conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by the Applicant and Property Owner;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. The applicant shall indicate any proposed easements on the plan, as applicable, including utility, parking and sidewalk easements. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
4. Applicant shall address the following comments from the Conservation Commission (as applicable):
 - a. The Commission requests no use of salt or de-icing compounds at the proposed site. This is due to the vicinity of Baboosic Brook, the Merrimack River, and being in a Wellhead protection area.
5. Applicant shall address any forthcoming comments from the Public Works Department;
6. Applicant shall address any forthcoming comments from the Building and Health Division (as applicable);
7. Applicant shall address the following comments from the Wastewater Division:
 - a. The plan as submitted does not indicate where the sewer lateral is located.
8. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Please add signature and date to the following note "Plan annotated by Madi Choueiri, Applicant/Owner";
2. Please update the site plan as follows:
 - a. Label the bump-out on the upper floor;
 - b. Label right side entry;
 - c. Provide all four architectural elevations;
 - d. Include a note on sidewalk easement intent;
3. Please add a note referencing CDD Plan #1082 which was annotated;
4. Please indicate the locations of any proposed signs, and verify compliance with the requirements of the Zoning Ordinance;
5. Please add a note indicating the source of water and sewer services;

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. All proposed easements and any applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
2. Applicant shall address the following comments from the Fire Department:
 - a. As this proposal is for a change of use to a mixed use combining a residence and restaurant the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued;
 - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued;
3. Applicant shall address the following comments from the Wastewater Division:
 - a. A plumbing plan indicating said grease trap is required (see condition #7a).

Ec: Madi Choueiri, Applicant/Owner
George Keller, Land Surveyor
Carol Miner and Fred Kelley, Building Department
Al Turner, Health Official
Ken Conaty and Jim Taylor, Wastewater Division
Kyle Fox, Deputy Director of Public Works/Town Engineer
John Manuele, Captain, Merrimack Fire Department
Tim Tenhave, Chairman, Conservation Commission

Cc: Planning Board File
Correspondence